



BOARD OF ADJUSTMENT AFTER ACTION

FRIDAY, MARCH 1, 2002 - 9:00 A.M.

A. PROGRESS REPORTS

1. **FILE NO. 2832 BUBBLES, L.L.C.**
423 – 16th STREET

The applicant will present a progress report regarding the operation of this bar, which obtained a variance on December 7, 2001 to sell/serve alcoholic beverages within the proximity of The United Methodist Church, located at 414 - 16th Street. The presentation of this report is a condition (specifically, condition #9) of the Final Order signed on December 19, 2001. At this time, the Board shall also address condition #10 of the Order, which states:

10. *The Board reserves the right to modify the variance conditions at the time of the progress report in a non-substantive manner to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.*

Progress Report due in June, 2002.

2. **FILE NO. 2371 TOY CORPORATION/TOY GALLERY (d/b/a Miro Cafe)**
448 ESPANOLA WAY

The applicant will present a progress report regarding the operation of this restaurant, which obtained a variance on March 4, 1994 to sell/serve alcoholic beverages within the proximity of Fienberg-Fisher Elementary School. The presentation of this report is a condition of the Final Order signed on March 16, 1994; also, the applicant presented a report at the meeting of October 5, 2001 and at that time the Board requested the applicant to appear again in 90 days.

Applicant/Representative did not show up for the meeting. Staff was directed to find out when the restaurant ceased to exist, and impose a fine, if warranted.

B. EXTENSION OF TIME

**3. FILE NO. 2794 REGIUS PROPERTIES, INC.
734 MICHIGAN AVENUE**

The applicant is requesting a one year extension of time to obtain a building permit for the construction of a four-story eight (8) unit apartment building with twelve (12) parking spaces. The variances were granted on March 2, 2001 and a building permit obtained by March 2, 2002. The extension, if granted, will give the applicant until March 2, 2003 to obtain a building permit.

One year extension granted. Project must be completed by 9/2/2004. Progress report due in six months.

C. CONTINUED CASES

**4. FILE NO. 2855 EROICI INC.
6301 PINETREE DRIVE**

This case is continued from the meeting of February 1, 2002.

The applicant is requesting the following variance in order to construct an 11' – 8" high property wall:

1. A variance to exceed by 6' – 8" the maximum permitted height of 5' – 0" for property walls along a side yard facing a street in order to construct an 11' – 8" high wall (measured from the elevation at the front of the property) along the side yard facing 63rd Street.

Granted.

**5. FILE NO. 2840 CHARLES E. SMITH RESIDENTIAL REALTY, INC.
a/k/a MIRADOR
1000–1200 WEST AVENUE**

This case is continued from the meeting of December 7, 2001; and, the applicant has since revised request #2 for the sign to be located on the second floor, instead of the fourth floor.

The applicant is requesting the following variances in order to install a flat wall sign on the fourth floor of an existing apartment building with copy reading "Mirador":

1. A variance to relocate a permissible Bayfront accessory sign, identifying the building, to the east elevation facing West Avenue.

Upon approval of Request No. 1, the applicant requests the following:

2. A variance to Section 138-172, which limits flat signs to a maximum of 30 sq. ft. and prohibits signs in the RM-1, 2, & 3 zoning district from being located above the ground floor in order to install the above relocated bayfront sign, containing 150 sq. ft., with copy reading "Mirador", on the second floor of the subject building facing West Avenue.

Granted.

D. NEW CASES

6. **FILE NO. 2854 CHARLES E. SMITH RESIDENTIAL REALTY, INC.
1225-1245 11TH STREET, 1230-1234 12TH STREET
1125 WEST AVENUE, 1141 WEST AVENUE**

The applicant is requesting the following variances in order to construct a 546-space five (5) story parking garage with residential units facing the streets on the ground floor, as follows:

1. A variance to waive 14.4 feet of the minimum required north and south side setback requirements of 22.4 feet in order to construct the above garage 8 feet from the north and south property lines facing 11th and 12th Street.
2. A variance to waive 28.8 feet of the minimum required sum of the side yards of 44.8 feet in order to construct the above garage with a 16 feet sum of the required side yards.
3. A variance to waive 11 feet of the minimum required rear yard setback of 15 feet in order to construct the above garage 4 feet from the rear property line facing the alley.
4. A variance to exceed by 10' the maximum allowable projection for decks within the required front yard of 5' (25% of the required yard) in order to construct 15' wide patios in front of the residential units facing West Avenue, and a variance to exceed by 6' the maximum allowable projection for decks within the required side yards of 2' (25% of the required yard) in order to construct 8' wide patios in front of the residential units facing 11th and 12th Streets.

Granted.

7. **FILE NO. 2860 EXPORT SPECIALTY SERVICE CORP.
d/b/a AUTO-BIKE**

1145 – 71st STREET

The applicant is requesting the following variances in order to allow the sale of automobiles and motorcycles to be conducted outdoors and not within a substantially enclosed, permanent building or structure; and a variance to allow four deep tandem parking spaces.

1. A variance to waive Section 142-874 which prohibits the sale or exposure of any property outside of a substantially enclosed building.
2. A variance to Section 130-251 which allows only maximum the stacking of two vehicles in parking lots, in order to park the above automobiles and or motorcycles four deep.

Continued to the April meeting.

**8. FILE NO. 2861 THOMAS D. MOTTOLA
2 STAR ISLAND DRIVE**

The applicant is requesting the following variances in order to complete the installation of mechanical equipment and conceal said equipment from the adjoining neighbor:

1. A variance to waive 1' – 4" of the minimum required 7' – 6" interior side setback for A/C equipment in order to install said equipment 6' – 2" from the north interior side yard.
2. A variance to exceed by 4' – 6" the maximum permitted height of 7' – 0" for walls located along an interior side yard in order to construct a 11' – 6" high CBS wall along the south side yard adjacent to the air-conditioning equipment.

Granted.

E. NEXT MEETING DATE

April 5, 2002